

### **REMARKS/ARGUMENTS**

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. Claims 1-15 and 26-36 are pending. In response to the Office Action, Independent Claims 1 and 26 have been amended. The amendments to the claims find support throughout the Specification and the Drawings, and no new matter has been added. Accordingly, it is believed that the pending claims now further define patentable subject matter over the references cited by the Examiner and notice to such effect is requested at the Examiner's earliest convenience.

#### **Examiner Interview Summary – 11/16/06**

Applicants first wish to thank Examiner for granting a telephone interview on November 16, 2006 to discuss potential claim amendments to the independent Claims 1 and 26 to highlight patentable subject matter over the cited Jones reference. In the interview, Applicants sought Examiner's suggestion for a clarifying amendment to highlight that the recited restraining portion of independent Claims 1 and 26 is positioned **outside** the recited sealing cavity, while Jones discloses, in Figure 4, for example, ring segments (53) that are positioned predominantly **within** a retainer groove (17). See Jones, Figures 2 and 4. In response, Examiner indicated that the addition of a term to indicate the relative amount of the restraining portion that is positioned outside the sealing cavity may serve to overcome the pending rejection. While Applicants respectfully submit that the amendments to Claims 1 and 26 presented herein do not raise new issues, Examiner indicated that such amendments would raise new issues requiring a revised search and that the amendments should be presented with a Request for Continued Examination.

#### **Specification Objections**

The Final Office Action indicates that the specification is objected to as failing to provide proper antecedent basis for "the suspending step" of Claim 29 and the "adjusting the slope" step of Claim 32. In response, Applicants respectfully submit that support for the claimed subject matter is found throughout the as-filed specification and figures such as, for example: at page 11, lines 6-16 (disclosing support for Claim 29, and specifically that "the arcuate locking members are initially suspended radially outward from the outer surface of the male piping member...");

and at page 10, lines 16-24 (disclosing support for Claim 32, and specifically that the “slope may be tailored to achieve a an improved balance between axial and radial motion...”).

### **Claim Rejections – 35 U.S.C. §102**

The Final Office Action indicates that Claims 1, 5, 6, 9, 14, 26, 30-33, 35 and 36 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0232700 A1 to Jones (“Jones”). In response, and in accordance with Examiner’s suggestions, Independent Claim 1 has been amended to recite that “a restraining portion of the restraining gasket surrounds the outer surface of the male piping member **predominantly outside of the sealing cavity**. Furthermore, Independent Claim 26 has been amended to recite a step for “inserting the male piping member into the bell socket such that the restraining portion of the restraining gasket surrounds the outer surface of the male piping member **predominantly outside of the sealing cavity**.”

Independent Claim 1 thus now specifically recites “a restraining portion that surrounds the outer surface of the male piping member **predominantly outside of the sealing cavity**.” Furthermore, independent Claim 26 has been correspondingly amended to recite “inserting the male piping member into the bell socket such that the restraining portion of the restraining gasket surrounds the outer surface of the male piping member **predominantly outside of the sealing cavity**. The recitations added to independent Claims 1 and 26 find support throughout the as-filed Specification and Figures such as, for example, at Figure 1, element 430. Thus, the recited apparatus (see Claim 1, for example) and method (see amended Claim 26, for example) for sealing and axially securing a male piping member within an adjoining bell socket provide: (1) a sealing portion that is seated within the sealing cavity defined by the bell socket; and (2) a restraining portion that is positioned **predominantly outside of the sealing cavity**, such that the interaction of the sealing portion with the sealing cavity is substantially uninterrupted about the outer surface of the male piping member by articles such as the ring segments (53) disclosed in Jones.

For example, Jones discloses ring segments (53) that are positioned **predominantly within** a retainer groove (17). See Jones, Figures 2 and 4. Applicants respectfully submit that for a rejection to be proper under 35 U.S.C. §102(e), the cited reference must teach **every** element of

the claim. See MPEP §2131. Jones instead discloses ring segments that are **integrally molded within the sealing portion** (see Jones, Figure 6, for example) such that the ring segments are necessarily positioned **predominantly within the retainer groove**. In another embodiment, Jones discloses a gripping segment (68) disposed adjacent to the sealing portion such that the gripping member is disposed **predominantly within the retainer groove** (see Jones, Figure 10, for example).

Thus, Applicants submit that independent Claim 1 and amended independent Claim 26 are **not anticipated** by Jones under 35 U.S.C. §102(e). Applicant respectfully submits that the cited reference **does not disclose, teach, or suggest** “a restraining portion that surrounds the outer surface of the male piping member **predominantly outside of the sealing cavity**” as recited in amended independent Claims 1 and 26. In addition, Applicants respectfully submit that the pending Claims 5, 6, 9, 14, 30-33, 35 and 36 **depending respectively from** independent Claims 1 and 26 are patentably distinct from the cited references for at least the reasons stated above.

### **Claim Rejections – 35 U.S.C. §103**

The Final Office Action further indicates that Claims 7, 8, 10-13 and 34 have been rejected under 35 U.S.C. §103(a) as being obvious over Jones. Applicant respectfully submits that Claims 7, 8, 10-13 (depending from amended Claim 1) and Claim 34 (depending from amended Claim 26) are patentable for at least the reasons stated above because Jones **does not teach or suggest** the limitations of amended independent Claims 1 and 26 upon which Claims 7, 8, 10-13 and 34 depend. Thus, Applicant submits that Claims 7, 8, 10-13 and 34 are not obvious over Jones under 35 U.S.C. §103(a) for at least the reasons stated above.

### **CONCLUSION**

In conclusion, Jones **does not** teach, suggest, or provide motivation for the embodiments of the present invention, as now claimed in independent Claims 1 and 26, and the claims depending therefrom. Accordingly, in view of the above differences between the Applicants’ invention and the cited reference, the Applicant submits that the present invention, as defined by the pending claims, is patentable over the references cited in the Office Action. As such, for the

reasons set forth above, Claims 1-14 and 26-36 are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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